

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK**

UNITED STATES OF AMERICA,

v.

16-CR-69-A
ORDER

JOSE CISNEROS,

Defendant.

The Defendant is currently serving a 108-month sentence after pleading guilty to possession of child pornography, in violation of 18 U.S.C. § 2252A(a)(5)(B) and § 2252A(b)(2). The Defendant did not appeal his conviction or sentence, nor has he filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2255.

The Defendant has, however, filed a *pro se* motion for a free copy of his docket sheet. See Docket No. 39. He has also filed a motion seeking an order directing his attorney to provide the Defendant with his file. See Docket No. 38.

DISCUSSION

The Defendant's request for a copy of his docket sheet is governed by 28 U.S.C. § 2250. Section 2250 states that an indigent petitioner may be provided with free "copies of . . . documents or parts of the record on file." The statute, however, applies only "on an[] application for a writ of habeas corpus." *Id.* The Defendant, as noted, has not filed an application for a writ of habeas corpus. The Defendant's motion for a free copy of his docket sheet is, therefore, denied.

If the Defendant would like a copy of his docket sheet, or any other information contained in his docket, he must pay the appropriate fee to the Clerk of Court. See 28 U.S.C. § 1914. The fee for copies of the electronic docket sheet is \$ 0.10 per page. The

total cost for a copy of the docket sheet in this case is \$1.00. Payment should be forwarded to the Clerk of Court and a copy of the docket will then be mailed to the Defendant.

The Defendant also moves for an order directing his attorney to provide the Defendant with a copy of his file. See Docket No. 38. To the extent he has not already done so, the Defendant's former counsel shall provide the Defendant with the information in counsel's file to which the Defendant is entitled. See *Sage Realty Corp. v. Proskauer Rose Goetz & Mendelsohn L.L.P.*, 689 N.E.2d 879, 882-83 (N.Y. 1997).

SO ORDERED.

Dated: July 2, 2018
Buffalo, New York

s/Richard J. Arcara
HONORABLE RICHARD J. ARCARA
UNITED STATES DISTRICT JUDGE